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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/033,816

12/20/2001

Mark Tobritzhofer

P-10445.00

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05/04/2004

MEDTRONIC, INC.

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EXAMINER

MACHUGA, JOSEPH S

ART UNIT

PAPER NUMBER

3762

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/033,816

Applicant(s)

TOBRITZHOFFER ET AL.

Examiner

Joseph S. Machuga

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

***Response to Amendment***

Applicant's amendments regarding the previous rejections under 35USC 112 second paragraph are considered sufficient to overcome the previous rejection. Applicant's arguments regarding the rejection under 35 USC 103 have been carefully considered but are not deemed persuasive. Castle et al #5782892 discloses the claimed medical lead adapter assembly having a housing portion. Laherty #5547390 teaches adding an integrally molded retaining flange to a connector to prevent the plug from being removed. To add a similar component to Castle et al's device for the same purpose; that is, to prevent the leads from being pulled out is considered taught by this reference. Therefore Laherty; contrary to applicant's arguments, would teach the securing device being formed as a flange portion.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-11 and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castle et al (# 5782892) in view of Laherty (#5547390.)

3. Castle et al disclose a medical lead adapter used to connect a cardiac leads to an external monitor or stimulator (not shown.) The device includes a housing (60), up to three cardiac leads (12+) and a lead adapter assembly (50+) that attaches to the external monitor or stimulator. The housing as best illustrated in Figure 5 includes several recesses or grooves along the sidewalls, which would make the housing easier to handle. Not disclosed by this reference is the retaining flange.

4. Laherty discloses an electrical connector having a retaining flange (18) added to prevent the plug from being pulled out by tension on the cord. As illustrated in Figure 5 the flange can integrally molded to the face of the connector and can also be angled away from it (note the embodiment of Figures 4 and 6.) The angle of which would include 45 degrees. The flange also includes three slot openings (14.) Two of which are smaller than the cord it is designed to receive. The flange (as illustrated in the figures) would extend to the left or right of the connector. However for side mounted connector (best visualized by rotating Fig 5 - 90 degrees) the flanges would extend from the top and bottom of the connector.

5. Given Laherty's disclosure it would have been obvious to one of ordinary skill in the art to add a retaining flange to Castle et al's adapter extending either off to the sides of the housing or extending from the top and/or bottom of the housing to prevent tension on the cardiac lead that could lead to its displacement. To angle it at 45 degrees would also have been obvious given Laherty's teaching of mounting it at an angle. For a

bottom-mounted flange the upper and lower tab portions would be provided for by this proposed combination. Since there are up to three leads in Castles et al's device the particulars of claims 19+ are considered provided for by this proposed combination.

6. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castle et al in view of Laherty as applied to claim 1 above, and further in view of Chamberland et al (#4690482).

7. Chamberland et al discloses a coaxial cable connector. As illustrated in Figure 1 the coupling includes a shroud portion (26), outer portion (40) and connector ring (44.) The reference teaches that this design is particularly useful for small diameter cables that are located in a harsh environment.

Given this disclosure it would have been obvious to use a coaxial cable of the type taught by Chamberland to join the pacing leads with the medical lead adapter in Castle et al's device given the teaching that it is particularly useful for small diameter cables which are placed in a harsh environment.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

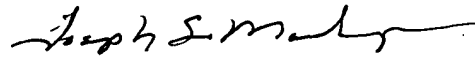
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Machuga whose telephone number is 703-305-6184. The examiner can normally be reached on Monday-Friday; 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D Sykes can be reached on 703-308-5181. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

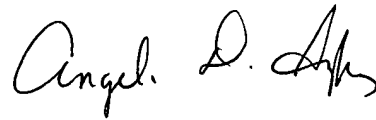
Application/Control Number: 10/033,816  
Art Unit: 3762

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Joseph S. Machuga  
Examiner  
Art Unit 3762

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ANGELA D. SYKES  
SUPERVISORY PATENT EXAMINER  
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